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JHB/PC/24944

19th August 1983

Dear Jim,

European Patent Application 82 303 306.3
Philip Morris Incorporated (PM 939)
Our File: 24944

I have received from Don Gregory a copy of his letter to you of 1st August 1983 asking for payment of the examination fee on this case.

Since the fee does not have to be paid until 23rd September, and Don has raised the question of comments on the search report and bringing other relevant documents to the Examiner's attention, I wonder whether you would agree that the present was an appropriate time to put in the prior art statement which was contained in the first five pages of the U.S. application but which I deleted before filing the European application?

On the assumption that you will approve this suggestion, I have prepared a draft submission to the EPO, in which I have not altered the text taken from the U.S. specification but have added a brief observation on the references cited in the European search (which are not mentioned in the US prior art statement). This observation is confined to noting that the references are cited as background only, rather than as references that the Examiner is expected to apply. In such circumstances, I believe the less said on the individual references the better.

Perhaps you would let me know if you agree to the payment of the Examination fee and the filing of the enclosed statement. After visiting FTR in Switzerland next week, I shall be on vacation until the middle of September, and if I have not received your instructions when I return, I will assume you have no objection and proceed as indicated.

Yours sincerely,

J.H. BASS

c.c. D. Anthony Gregory, P.M. Richmond, U.S.A.

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